

Message Text

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ACTION AF-10

INFO OCT-01 NEA-11 ISO-00 HA-05 CIAE-00 DODE-00 PM-05
H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02
SS-15 ICA-11 TRSE-00 IO-13 /093 W
-----059377 101454Z /47,
R 101019Z MAY 78
FM AMEMBASSY KHARTOUM
TO SECSTATE WASHDC 7327
INFO AMEMBASSY CAIRO

LIMITED OFFICIAL USE KHARTOUM 2127

E.O. 11652: N/A
TAGS: SHUM, PINS, SU
SUBJ: REVISION OF STATE SECURITY ACT (SSA)

1. SUDANGOV APPEARS READY TO TAKE ANOTHER SIGNIFICANT STEP IN IMPROVING HUMAN RIGHTS ENVIRONMENT AND PROTECTING CIVIL LIBERTIES OF ITS CITIZENS. HIGH LEVEL COMMITTEE HAS BEEN FORMED TO REVIEW STATE SECURITY ACT (SSA) AND TO SUGGEST REVISIONS. COMMITTEE INCLUDES FIRST VP ABUL GASSEM, MINISTER OF INTERIOR, AND ATTORNEY GENERAL AND IS EXPECTED TO PRESENT ITS RECOMMENDATIONS NEXT WEEK.

2. DCM DISCUSSED THIS DEVELOPMENT WITH PROSECUTOR GENERAL OMER AL-MARDI MAY 10. MARDI EXPLAINED SSA WAS PROMULGATED IN 1973 AT SAME TIME SUDANESE CONSTITUTION WAS ADOPTED. FOLLOWING ATTEMPTED COUP IN 1975 SEVERAL AMENDMENTS WERE MADE TO SSA. SUDANGOV NOW RPT NOW BELIEVES THESE AMENDMENTS HAVE MADE SSA INCONSISTENT WITH CONSTITUTION. THEREFORE PRINCIPAL TASK OF REVIEW COMMITTEE WILL BE TO MAKE SSA AGAIN CONSISTENT WITH CONSTITUTION.

3. MARDI EXPECTS MOST SIGNIFICANT CHANGES TO INVOLVE
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PREVENTIVE DETENTION. HE SAID PREVENTIVE DETENTION WILL CONTINUE TO BE LEGAL, BUT SPECIFIC PROVISIONS, SUCH AS THREE MONTH LIMITATION, WHICH PROTECT INDIVIDUALS AGAINST ABUSES OF PREVENTIVE DETENTION WILL BE RESORED.

4. DCM ASKED WHETHER SUDANESE COURTS HAVE POWER OF JUDICIAL REVIEW. MARDI SAID THEY DID AND CITED 1976

HIGH COURT DECISION WHICH DECLARED ILLEGAL PRACTICE OF TRYING CIVILIANS BEFORE MILITARY COURTS.

5. COMMENT: LIBERALIZATION OF STATE SECURITY ACT IS LOGICAL NEXT STEP TO RELEASE OF POLITICAL PRISONERS AND MOVEMENT TOWARD MORE LIBERAL POLITICAL ENVIRONMENT. SUDANGOV OFFICIALS BELIEVE THAT EXISTING LAWS PROVIDE THEM WITH SUFFICIENT AUTHORITY TO MAINTAIN PUBLIC SECURITY. STILL, EXPECTED REVISION OF SSA WILL FURTHER ENHANCE POLITICAL ENVIRONMENT IN SUDAN. EMBASSY BELIEVES THAT SHOULD REVISIONS OCCUR AS MARDI EXPECTS AND WE THINK THEY WILL, MOVE WILL REPRESENT SIGNIFICANT STEP BY NIMEIRI TO IMPROVE CIVIL LIBERTIES AND AFFIRM PRIMACY IN SUDAN OF RULE OF LAW.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, CITIZEN PROTECTION
Control Number: n/a
Copy: SINGLE
Draft Date: 10 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978KHARTO002127
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780198-0780
Format: TEL
From: KHARTOUM
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780575/aaaacike.tel
Line Count: 77
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b35330a1-c288-dd11-92da-001cc4696bcc
Office: ACTION AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 28 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2738517
Secure: OPEN
Status: NATIVE
Subject: REVISION OF STATE SECURITY ACT (SSA)
TAGS: SHUM, PINS, SU
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/b35330a1-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014